

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel,
4 W.A. DREW EDMONDSON, in his
5 capacity as ATTORNEY GENERAL
6 OF THE STATE OF OKLAHOMA,
7 et al.

8 Plaintiffs,

9 V.

10 TYSON FOODS, INC., et al.,

11 Defendants.

No. 05-CV-329-GKF-SAJ

12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13 MARCH 11, 2008

14 PRELIMINARY INJUNCTION HEARING

15 VOLUME VIII

16 BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

17 APPEARANCES:

18 For the Plaintiffs: Mr. Drew Edmondson
19 Attorney General
20 Mr. Robert Nance
21 Mr. Daniel Lennington
22 Ms. Kelly Hunter Burch
23 Mr. Trevor Hammons
24 Assistant Attorneys General
25 313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Glen R. Dorrough
UNITED STATES COURT REPORTER



1	(CONTENTS CONTINUED)	Page No.
2	Cross-Examination by Ms. Ward	1976
3	JOHN LITTLEFIELD	
4	Direct Examination (videotaped excerpts)	2001
5	Cross-Examination by Mr. Nance	2013
6	Redirect Examination by Mr. Elrod	2018
7	Recross-Examination by Mr. Nance	2020
8	DEPOSITION EXCERPTS OF GROWER WITNESSES	2021
9	TIMOTHY JOSEPH SULLIVAN	
10	Direct Examination by Mr. George	2056
11	Cross-Examination by Ms. Burch	2097
12	WILLIAM BANNER	
13	Direct Examination by Mr. Tucker	2144
14	Cross-Examination by Mr. Bullock	2163
15	DEFENDANTS REST	2173

16 - - - - -

17 PROCEEDINGS

18 March 11, 2008

19 THE COURT: Be seated please. My staff is obviously
 20 having fun with me. The defendants may call their first
 21 witness.

22 MR. GEORGE: Your Honor, before we call our witnesses,
 23 could I address the Court for just a moment --

24 THE COURT: Yes, sir.

25 MR. GEORGE: -- with regard to scheduling? I wanted

1 Q. "Mr. Littlefield, my name is John Elrod and I represent
2 Simmons Foods in this matter, and I'm going to have a few
3 questions for you. We've not met before today, have we, sir?

4 A. "No, sir.

5 Q. "And would you tell me what your name and address is for
6 the record?

7 A. "John L. Littlefield, 38327 South 4370 Road, Adair,
8 Oklahoma 74330."

9 * * * * *

10 A. "I was only there about a year when this job came open in
11 1998 and I started with the Oklahoma Department of Agriculture
12 on a contract."

13 * * * * *

14 Q. "For what counties are you responsible?

15 A. "Counties?

16 Q. "Yes, sir.

17 A. "Mayes County, Rogers County, Craig County, Ottawa County,
18 and Delaware County, most of Delaware. There is a strip on the
19 north side of -- or the south side of 412 that I don't have in
20 Delaware County."

21 * * * * *

22 Q. "In terms of coverage for the entire Illinois River
23 Watershed on the Oklahoma side, that would be you and David
24 Berry?

25 A. "That's correct."

2002

1 * * * * *

2 Q. "What are your job duties?

3 A. "Well, I'm a poultry inspector for those counties. I
4 don't know if I said Mayes County or not in that awhile ago."

5 * * * * *

6 Q. "How many growers are in the counties you work?

7 A. "I -- I think I have about 210. 205, 210.

8 Q. "Of that number, how many have in place phosphorus based
9 animal waste plans?"

10 * * * * *

11 A. "To the best of my recollection, they all do. They either
12 have a plan or they have a letter from the NRCS office stating
13 that they will work them up a plan. So they do have something
14 current in their file."

15 * * * * *

16 Q. "Do you get to know these people pretty well?

17 A. "Yes, sir, I do.

18 Q. "And for the most part are they cooperative with you?

19 A. "Yes, sir, they are.

20 Q. "Courteous?

21 A. "Yes, sir.

22 Q. "Have you had any problems with any hostility at any time
23 ever?

24 A. "Starting out, you know, it was a change and farmers are
25 pretty conservative and independent people.

2018

1 Department of Agriculture?

2 A. Most of the time it's by the Department of Agriculture.

3 Q. Now, Mr. Littlefield, based on your familiarity with the
4 operations in your territory, once the poultry waste and litter
5 is removed from a barn, is it used in any further way to grow
6 more poultry?

7 A. No, not to my knowledge.

8 Q. And this is an obvious question, but I want to get the
9 answer in the record. Do you have any jurisdiction over
10 poultry growing operations in the state of Arkansas?

11 A. No, sir.

12 MR. NANCE: Nothing further, Your Honor.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. ELROD:

16 Q. Mr. Littlefield, when you are called upon, as I understand
17 it, complaints go from a complainant to the Department of Ag
18 and then back to you for investigation; is that the way it
19 works?

20 A. Yes, sir.

21 Q. And after you conduct one of those investigations -- you
22 say most of them are related to odor?

23 A. Yes, sir.

24 Q. And after you conduct one of those investigations, in the
25 history of your involvement as a poultry inspector which